

Appln. No. 10/647,521

Attorney Docket No. 10541-1832

II. Remarks

The Examiner has requested that the Applicants' elect one of the following inventions as required under 35 U.S.C. §121:

- I. Figures 1 and 2 drawn to single zone vehicle temperature control system with one temperature door (Claims 1-8, 11 and 12).
- II. Figure 3 drawn to a single zone vehicle temperature control system having two temperature doors (Claims 1-12).
- III. Figure 4 drawn to a dual zone vehicle temperature control system having one temperature door (Claims 1-9 and 11-17).
- IV. Figure 5 drawn to a dual zone vehicle temperature control system having two temperature doors (Claims 1-17).

The Applicants' elect the first species with traverse. In order to support restriction requirement, the § 808 of the Manual of Patent Examining Procedure requires:

- (A) The reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct; and
- (B) The reasons for insisting upon the restriction there between as set forth in the following sections.

The Examiner has provided only a determination that the inventions as claimed are distinct but has not provided any reason for insisting upon the restriction. The Examiner has failed to comply with MPEP § 808, therefore, the election requirement is improper and should be withdrawn.

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In view of the foregoing, the Applicants respectfully request the election requirement be withdrawn upon reconsideration.

Respectfully submitted,

October 6, 2005

Date



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